

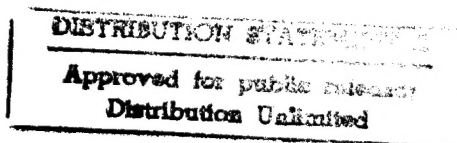


---

## NUCLEAR-WEAPON FREE ZONE PROPOSALS: STRATEGIC IMPLICATIONS FOR THE UNITED STATES

*A Report Prepared under an Interagency Agreement  
by the Federal Research Division,  
Library of Congress*

November 1986



*Author: Rodney P. Katz*

19960712 017

*Federal Research Division  
Library of Congress  
Washington, DC 20540-4840*

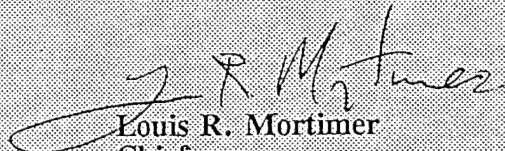
REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503.				
1. AGENCY USE ONLY (Leave Blank)		2. REPORT DATE  November 1, 1986		3. REPORT TYPE AND DATES COVERED  Final
4. TITLE AND SUBTITLE  Nuclear-Weapon Free Zone Proposals: Strategic Implications for the United States				5. FUNDING NUMBERS
6. AUTHOR(S)  Rodney P. Katz				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)  Federal Research Division Library of Congress Washington, DC 20540-4840				8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)  N/A				10. SPONSORING/MONITORING AGENCY REPORT NUMBER
11. SUPPLEMENTARY NOTES  Prepared under an Interagency Agreement				
12a. DISTRIBUTION/AVAILABILITY STATEMENT  Approved for public release; distribution unlimited.				12b. DISTRIBUTION CODE
13. ABSTRACT (Maximum 200 words)  This study examines how the two existing nuclear-weapon free zones (NWFZ), one in Latin America and the other in the South Pacific, have affected US strategic interests in the regions. It also considers the possibility of the establishment of NWFZs in other regions, including Scandinavia, the Balkans, Southeast Asia, Northeast Asia, South Asia, the Middle East, and Africa.  <b>DTIC QUALITY INSPECTED 2</b>				
14. SUBJECT TERMS  South Pacific Latin America Nuclear weapons				15. NUMBER OF PAGES  35
				16. PRICE CODE
17. SECURITY CLASSIFICATION OF REPORT  UNCLASSIFIED		18. SECURITY CLASSIFICATION OF THIS PAGE  UNCLASSIFIED		19. SECURITY CLASSIFICATION OF ABSTRACT  UNCLASSIFIED
				20. LIMITATION OF ABSTRACT  SAR

Dear Reader:

This product was prepared by the staff of the *Federal Research Division* of the *Library of Congress* under an interagency agreement with the sponsoring United States Government agency.

The Federal Research Division is the Library of Congress's primary fee-for-service research unit. At the request of Executive and Judicial branch agencies of the United States Government and on a cost-recovery basis, the Division prepares studies and reports, chronologies, bibliographies, foreign-language abstracts, databases, and other tailored products in hard-copy and electronic media. The subjects researched include the broad spectrum of social sciences, physical sciences, and the humanities.

*For additional information* on obtaining the research and analytical services of the Federal Research Division, please call 202-707-9905, fax 202-707-9920, via Internet [frd@mail.loc.gov](mailto:frd@mail.loc.gov), or write to *Marketing Coordinator, Federal Research Division, Library of Congress, Washington, DC 20540-4840.*



Louis R. Mortimer  
Chief  
Federal Research Division  
Library of Congress  
Washington, DC 20540-4840

## **PREFACE**

This study examines how the two existing nuclear-weapon free zones (NWFZ), one in Latin America and the other in the South Pacific, have affected US strategic interests in the two regions. It also considers the possibility of the establishment of NWFZs in other regions, including Scandinavia, the Balkans, Southeast Asia, Northeast Asia, South Asia, the Middle East, and Africa.

The information in this study was derived from a variety of open sources available at the Library of Congress.

## CONTENTS

	Page
KEY JUDGMENTS.....	iv
INTRODUCTION.....	1
SOUTH PACIFIC.....	1
LATIN AMERICA.....	3
EUROPE.....	5
ASIA.....	7
AFRICA AND THE MIDDLE EAST.....	10

## APPENDICES

Treaty for the Prohibition of Nuclear Weapons in Latin America.....	13
South Pacific Nuclear Free Zone Treaty.....	23

## KEY JUDGMENTS

Stark political realities inhibit the establishment of nuclear-weapon free zones (NWFZ) worldwide.

The two NWFZ treaties in existence, the one in Latin America and the other in the South Pacific, do not restrict the transport of nuclear weapons within the treaty zone by ships or aircraft of outside states. US nuclear-armed aircraft and naval vessels which travel in these zones are not violating provisions or protocols of these treaties and are free to visit member states which do not have anti-nuclear policies banning these visits.

The effect of anti-nuclear policies of individual states on US strategic interests varies from region to region. New Zealand, Denmark, and Norway--three nations which are allied with the US through multilateral security treaties--have national policies which prevent the United States from transporting nuclear weapons within their territorial limits. New Zealand's anti-nuclear policy has not significantly damaged US strategic interests in the South Pacific for the following reasons:

- Australia--the largest regional military power--continues to honor its bilateral security agreements with the United States;
- the United States has several military installations in the North Pacific; and
- the Soviet Union has no military installations in the region.

However, in Europe the anti-nuclear policies of Denmark and Norway, both members of NATO, would inhibit the allied capability to quickly deploy nuclear weapons to Northern Europe in the event of a Soviet invasion.

Either one of two political occurrences might set in motion a chain of events which could eventually undermine the Latin America NWFZ treaty and have a detrimental effect on US strategic interests. First, Brazil, or another country in the pursuit of its interests, could decide to produce nuclear weapons. Second, the consolidation of the Sandinista regime in Nicaragua, followed by renewed efforts by Havana and Managua to destabilize neighboring governments, could increase Soviet influence in the Caribbean. Under these circumstances, it is highly probable that Moscow would augment its nuclear-capable forces in the region.

It is unlikely that any NWFZs will be established in Europe prior to a breakthrough in talks between the United States and Soviet Union on intermediate-range nuclear forces (INF) or strategic arms reduction (START), and between NATO and the Warsaw Pact on mutual and balanced force reductions (MBFR). Neither the anti-nuclear policies of Denmark and Norway nor the existence of anti-nuclear movements in all of the countries of Western Europe has led to a deterioration of NATO policies on the deployment and use of nuclear weapons in the region. However, the military policies of the NATO allies could change in the future if anti-nuclear issues gain enough popular support to force individual governments to challenge existing NATO policies.

In Asia, the inclusion of an anti-nuclear article in the proposed Philippine constitution prohibiting the deployment of any nuclear weapons on Philippine territory represents a more immediate concern for the United States than the possible establishment of a NWFZ by the Association of Southeast Asian Nations (ASEAN). The proposed constitution will probably be approved by voters in a January 1987 referendum. After January, President Corazon Aquino could decide to adopt a policy similar to that of Japan, where the government does not ask and the United States does not acknowledge whether nuclear arms are carried on US aircraft and naval vessels visiting the Philippines.

Proposals for NWFZs in Northeast Asia, South Asia, the Middle East, and Africa have not gone beyond the discussion stage, and it is unlikely that such zones would be established in the near future. If necessary, the United States could use existing bases near these regions to transport nuclear weapons to trouble spots.

**NUCLEAR-WEAPON FREE ZONE PROPOSALS:  
STRATEGIC IMPLICATIONS FOR THE UNITED STATES**

**INTRODUCTION**

1. Since the beginning of the nuclear age, nuclear-weapon free zones (NWFZ) have been debated throughout the world, but there are only two regions--Latin America and the South Pacific--in which treaties have been achieved for the purpose of prohibiting signatories from testing, manufacturing, or acquiring nuclear weapons. The South Pacific NWFZ Treaty was signed in August 1985 by eight members of the South Pacific Forum, an organization which promotes the regional, political and economic interests of Australia, New Zealand, and the South Pacific Islands. The hardline position of New Zealand is even more significant than the treaty itself because it has undermined the multilateral security treaty known as ANZUS, which has been in force since 1951. New Zealand refuses to allow US nuclear-powered and nuclear-armed naval vessels to enter its territorial waters, even though such visits are not precluded by the NWFZ treaty. If other nations allied with the United States adopt New Zealand's policy, the US capability to transport tactical and strategic nuclear weapons to potential trouble spots will suffer.
2. While the United States must deal with the anti-nuclear policies of friendly states, it must also be concerned about Soviet capabilities to exploit this issue. The Soviet Union is continuing to augment its nuclear forces, and NWFZs in areas of strategic importance to the Soviet Union, for example Northern Europe or Southeast Asia, could provide military advantages to its armed forces during wartime.

**SOUTH PACIFIC**

**Summary of Proposal**

3. The South Pacific Forum is an organization which promotes the political and economic interests of its 13 members: Australia, New Zealand, the Cook Islands, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Tuvalu, Vanuatu, the Solomon Islands, and Tonga. The heads of state of Forum members meet once a year in August to discuss regional problems and coordinate national policies on multilateral issues on which there is a consensus. For several years there has been a consensus that the Forum needs to take action to prevent nuclear weapons from becoming a potential threat to the security of the region.
4. The establishment of a NWFZ in the South Pacific has been discussed in the South Pacific Forum since the mid-1970s. Initially, New Zealand was the primary proponent, and its proposal included provisions for banning visits by nuclear-armed and nuclear-powered naval vessels to countries in the South Pacific. Australia has always opposed this provision, and in 1983 proposed a compromise whereby each of the South Pacific Forum members would be free to determine its own policy on this issue. The main provisions of the treaty prohibit the signatories from acquiring, testing, producing, or allowing nuclear weapons to be deployed within their



territorial boundaries. Article 2 states, "Nothing in this treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the sea." Thus, although the zone technically includes large areas of the Pacific Ocean, the only purpose of the treaty is to prevent member states from acquiring nuclear weapons, and nuclear powers from deploying nuclear weapons in the zone.

5. The South Pacific NWFZ Treaty was signed in 1985 by eight nations and subsequently by two other states. However, the treaty is not to enter into force until eight members of the South Pacific Forum ratify the agreement and so far only four states have done so. The ten signatories are Australia, New Zealand, the Cook Islands, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Tuvalu, and Western Samoa. Vanuatu, the Solomon Islands, and Tonga have not signed the treaty.

### Discussion

6. US strategic interests are not significantly affected by the South Pacific NWFZ Treaty because it does not prohibit the transportation of nuclear weapons through the zone. Australia, the largest regional military power, has indicated it will continue to honor its bilateral security agreements with the United States. Additionally, the United States has air and naval bases on Guam and Midway in the North Pacific. These bases can be used to support US military activities in the South Pacific.
7. The South Pacific NWFZ Treaty has little effect on current Soviet strategic interests since the Soviet military presence in the region is limited. Although the Soviet Pacific Fleet is expanding the area of its operations, it has not, as yet, conducted military exercises or deployed surface ships on regular patrols in the South Pacific. Because of the distance between the nearest Soviet military base at Cam Ranh Bay, Vietnam and the South Pacific Islands, even air operations involving long-range bomber aircraft such as the TU-95/BEAR or TU-16/BADGER would be logistically difficult for the Soviets.

### Prospects

8. The South Pacific NWFZ should enter into force by late 1986 or early 1987. Four nations--Australia, New Zealand, Kiribati, and Western Samoa--are planning to ratify the treaty in the next few months. The treaty will become effective as soon as all four have completed the ratification process.
9. Australia's participation in the NWFZ should not affect its current bilateral defense agreements with the United States. However, Australia is unlikely to agree to increase its support for US strategic operations involving nuclear forces given the strength of anti-nuclear sentiment in the country. Australia's nuclear disarmament and defense policies will often conflict with US strategic policies in the future, and may, in the long term, lead to a further erosion of the ANZUS alliance. The Hawke government opposes some strategic concepts favored by Washington, the

Strategic Defense Initiative being just one example. Additionally, Australia plans to reorganize its armed forces to improve its capability to conduct independent defensive operations designed to meet small and medium-sized threats to Australia and, concurrently, to deemphasize Australian participation in military exercises outside the South Pacific.

10. The National Party, the main opposition party in New Zealand, would reverse the Lange government's present ban on visits by US nuclear-powered and nuclear-armed warships. The most likely date for the next election is September 1987. Ratings for the Labor and National Parties were very close in opinion polls taken during the summer of 1986. A victory by the National Party would improve the US strategic position in the South Pacific.
11. The Soviet Union is unlikely to deploy large numbers of surface ships or military aircraft to the South Pacific in the next few years, and it is unlikely that this region would become the target of a Soviet nuclear threat during peacetime. In the long term, assuming a scenario which would include the loss of US bases in the Philippines, the deterioration of US-Australian defense relations, and a significant growth in anti-Americanism among South Pacific Forum members, the Soviets may be able to gain enough political influence with one of the Pacific Island nations, Vanuatu for example, to negotiate base rights for Soviet vessels or to build an air base for its long-range aircraft.

## **LATIN AMERICA**

### **Summary of Proposal**

12. The Treaty for the Prohibition of Nuclear Weapons in Latin America, otherwise known as the "Treaty of Tlatelolco" and commonly referred to as the Latin American NWFZ Treaty, was signed in 1967 by 17 nations and currently has 24 signatories. It covers a large expanse of land and ocean in the region, extending from the Bahamas, through the Caribbean Sea and Central America, to the southern tip of South America. The treaty prohibits member states from testing, manufacturing, and acquiring nuclear weapons, but it does not restrict transport by nuclear-armed naval vessels or aircraft by outside states. Each of the states which has signed the treaty is free to establish its own policy on whether to allow visits by nuclear-powered and nuclear-armed naval vessels belonging to one of the nuclear powers. Two protocols were added to the treaty. Protocol I requires those countries which have territories within the zone--France, the Netherlands, the United Kingdom, and the United States--to agree not to test, manufacture, or deploy nuclear weapons in any of their territories. All four countries have signed the protocol. Protocol II requires nuclear-weapon states to guarantee that they will neither use nuclear weapons against the contracting states nor help the latter to acquire their own nuclear weapons. It has been signed by the United States, Soviet Union, the United Kingdom, France, and China.

### Discussion

13. The treaty serves US strategic interests because it makes it illegal for the Soviet Union, or any other outside power, to assist nuclear weapon programs or to deploy nuclear weapons in any of the 24 nations which have signed the treaty. Additionally, the US maintains good relations with most nations in the region, while the Soviet Union has only one dependable ally, Cuba. Cuba does not recognize the Latin American NWFZ because the continental United States and US bases in Cuba, Puerto Rico, and other Caribbean islands are not covered by the treaty.
14. The Soviet Union has signed Protocol II of the Latin American NWFZ Treaty, thereby agreeing not to target member states for nuclear attack and agreeing to refrain from introducing nuclear weapons in these states. However, the protocol does not restrict Soviet military activities in Cuba and in international waters. Soviet submarines have been spotted at the port of Cienfuegos on the southern coast of Cuba and are believed to operate in the Gulf of Mexico and off the east coast of North America. They represent a significant strategic threat to the United States. The Soviets have invested close to \$6 billion in military aid to Cuba since 1960, and this aid has included the construction of port and air base facilities which could support Soviet forces during wartime. The Soviets do not have a permanent naval squadron in the Caribbean, but they frequently send naval task forces to conduct joint operations with the Cuban Navy and to show the flag in the region. Although these vessels cannot be discounted as a nuclear threat, they are usually deployed in small numbers and are types normally associated with anti-submarine and anti-ship operations.

### Prospects

15. The purpose of the Latin American NWFZ Treaty is to prevent the proliferation of nuclear weapons in the region. The treaty will continue to be an effective means of accomplishing this goal for the foreseeable future. Brazil, Argentina, and Chile are the only nations in the region suspected of having nuclear weapon research programs, and they have publicly stated that they are not interested in testing or producing nuclear weapons.
16. In the short term, the Soviet Union is unlikely to initiate or participate in activities that would be a violation of the treaty. It will, of course, continue to provide military and economic aid to Cuba and Nicaragua; it will also seek to extend its influence through support to leftist regimes or revolutionary groups in the region. However, Moscow has been cautious where nuclear weapons are concerned and would probably consider plans involving a large-scale deployment of its own nuclear forces to the region, or support for a nuclear weapons program in Latin America, as too risky.
17. In the long term, either one of two political occurrences might set in motion a chain of events that could eventually undermine the Latin American NWFZ Treaty and have a detrimental effect on US strategic interests. Brazil, or another country interested in increasing its power and influence in the region, could decide to produce nuclear weapons. The

United States would then have to deal with a neighboring nuclear power. The other scenario would involve a significant increase in Soviet influence in the region, perhaps facilitated by a consolidation of the Sandinista regime in Nicaragua, followed by renewed efforts by Havana and Managua to destabilize neighboring governments. If this is accompanied by a higher Soviet military profile in the western hemisphere, it is possible that some of Moscow's forces in the region might be armed with nuclear weapons.

## EUROPE

### Summary of Proposals

18. NWFZ proposals in Europe have been raised at one time or another by several nations and for a variety of political reasons. Between 1957 and 1964, Poland, after coordination with the Soviet Union, proposed an East-West agreement covering its territory, Czechoslovakia, and the two Germanys that would have prohibited the development or deployment of nuclear weapons in these states. At that time, the United States was just beginning to formulate plans for the deployment of tactical nuclear weapons in Western Europe. Poland, and the Soviet Union, were striving to restrict US and NATO nuclear capabilities in order to preserve strategic advantages for the Warsaw Pact.
19. The establishment of a Scandinavian NWFZ has been frequently discussed by Finland, Norway, Sweden, and Denmark. In November 1985, more than 100 representatives from these four countries and Iceland met in Copenhagen, Denmark, for a 2-day conference on the subject. The prime ministers of Finland and Sweden, and prominent politicians from the other states, spoke in favor of the idea. Most of the proponents believe that creation of the zone would encourage a reduction of nuclear weapons in Central Europe and other regions and would not affect Norwegian and Danish participation in NATO.
20. In recent years, Prime Minister Andreas Papandreu of Greece has encouraged the establishment of a Balkan NWFZ. In 1983, he joined Presidents Raul Alfonsin of Argentina, Miguel de la Madrid of Mexico, Julius Nyerere of Tanzania, and Prime Ministers Indira Gandhi of India and Olof Palme of Sweden in a "four continent peace initiative" which called on the nuclear powers to end all production and deployment of nuclear weapons. In 1984, Papandreu met with the Prime Ministers of Finland and Sweden and signed an appeal calling for the establishment of nuclear-weapon free zones in the Balkans and Scandinavia. Since 1984, the idea has been discussed in the annual summit meetings of four Balkan states--Bulgaria, Greece, Romania and Yugoslavia--and the leaders of all four nations have indicated they favor the proposal.

## Discussion

21. The establishment of a NWFZ in Northern, Central, or Southern Europe could have a detrimental effect on the United States and NATO. Denmark and Norway, although NATO members, have had policies similar to New Zealand since the 1950s. They do not allow US bases or the transport of nuclear weapons within their territories. During wartime, NATO would have a difficult time deploying nuclear weapons to counter similar Soviet systems. However, neither the policies of Denmark and Norway, nor the existence of anti-nuclear movements throughout Western Europe has led to a deterioration of NATO policies on the deployment and use of nuclear weapons in the region. The March 1986 referendum in Spain, which approved that country's admission into NATO, and decisions by several states to allow the deployment of US Pershing II and cruise missiles in their territories are indications that the collective security doctrine and nuclear strategies of NATO are still widely supported in Europe.
22. The declaration, in any part of Western Europe, of a NWFZ that does not come as part of a larger East-West agreement on mutual reductions in nuclear weapons would provide significant military advantages to Soviet and Warsaw Pact forces deployed throughout the region. Soviet and East European ground force units opposing NATO ground force units throughout the region are equipped with short-range ballistic missiles (SRBM), free rockets over ground (FROG), and other tactical nuclear weapons. Surface ships in the Soviet Northern, Baltic, Black Sea Fleets, and the Mediterranean Squadron are equipped with nuclear-capable missiles and large quantities of anti-submarine weapons to counter allied submarines. Strategic and tactical aircraft of the Soviet and Warsaw Pact air forces are equipped with cruise, air-to-ground, and air-to-air missiles. Finally, the Soviets have the bulk of their submarine and land-based strategic missiles located in areas where they could be used against targets in Western Europe. These forces continue to pose a significant threat to US forces in Western Europe.

## Prospects

23. It is unlikely that a NWFZ will be established in any part of Europe prior to a breakthrough in talks between the United States and Soviet Union on intermediate-range nuclear forces (INF) or strategic arms reduction (START), and between NATO and the Warsaw Pact on mutual and balanced force reductions (MBFR). The Scandinavian NWFZ movement was set back by the February 1986 assassination of Swedish Prime Minister Olof Palme. Although the left-wing political parties in Sweden, Norway, Denmark, and Finland support the idea in principle, they lack a charismatic leader with Palme's commitment to the cause. Additionally, all but the most radical of left-wing political parties are more cautious when Soviet military power is added to the equation. All of the NATO allies, including Greece, Norway, and Denmark, remain publicly committed to the collective security doctrine.

24. In the event of a war between NATO and the Warsaw Pact, the nuclear policies of Norway and Denmark and neutral policies of Finland and Sweden will slow allied efforts to stop an attack by Soviet forces on these countries.
25. Anti-nuclear movements in Western Europe appear to be growing and could eventually influence the military policies of NATO states. US military installations in Western Europe and the cooperation of NATO governments in allowing the transport of nuclear arms to and from these bases are vital elements of US strategic commitments to the region. In the short term, it is unlikely that anti-nuclear sentiments will lead to the abrogation of US base and nuclear transport rights in NATO countries that currently provide such support. In the long term, however, there is a possibility that policies similar to those of Denmark and Norway could be enacted in other NATO states.

## ASIA

### Summary of Proposals

26. There are proposals for NWFZs in three regions of Asia: in Northeast Asia, where North Korea hosted a conference on the issue in September 1986; within ASEAN, where Philippine sentiment seems to be running in favor of the concept; and in South Asia, where Pakistan and India continue to accuse each other of planning to produce nuclear weapons. The North Korean conference on the establishment of a NWFZ on the Korean Peninsula attracted delegations from 80 Third World and Communist-Bloc countries and concluded with the signing of a declaration which condemned the US military presence in South Korea and attempted to present Pyongyang as the more peace-oriented of the two Koreas. In the declaration, North Korea promised that it would not design, test, produce, or use nuclear weapons.
27. At the June 1986 meeting of the foreign ministers of ASEAN, the six members of that organization agreed in principle to establish a NWFZ; however, details of an agreement have not been worked out. The issue was not mentioned in the final communique, but the foreign ministers reiterated ASEAN's commitment to promote Southeast Asia as a zone of peace, freedom, and neutrality.
28. In South Asia, Pakistan and India have both indicated that they support the concept of a NWFZ, but they have been unable to agree on the usefulness of such a treaty. Pakistan's leaders believe that a NWFZ would provide assurances that neither Islamabad nor Delhi plans to produce nuclear weapons and thereby enhance regional security. India maintains that the establishment of a NWFZ would do little to prevent the movement and deployment of nuclear weapons in the region, particularly in the Indian Ocean where the United States and Soviet Union frequently deploy nuclear-armed submarines and surface ships.

## Discussion

29. The inclusion of an article in the proposed Philippine constitution prohibiting the deployment of any nuclear weapons within its territorial limits represents a more immediate concern for the United States than an ASEAN NWFZ treaty. Although a nuclear prohibition was opposed by 26 of the 47 members of the Constitutional Commission as late as July, its inclusion in the final document indicates that the Commission could not ignore public support for such a provision. Even if the constitution is approved in a referendum presently scheduled for January 1987, it remains to be seen how the government of Corazon Aquino will interpret the non-nuclear article. President Aquino and other high ranking officials of her government have spoken in favor of maintaining close economic and defense relations with the United States. The Philippines might adopt a policy similar to that of Japan, which does not ask, and the United States does not acknowledge, whether nuclear arms are carried on aircraft and naval vessels visiting that country. The proposed Philippine constitution also includes an article prohibiting an automatic renewal of the current bilateral agreements allowing the United States to continue its use of Clark Air Base and Subic Bay Naval Base. Before 1991, the government must negotiate a new agreement with the United States, and this agreement must be approved by the Philippine Senate. The Senate could also decide to hold a national referendum to consider the issue.
30. US strategic interests in Asia, and even in adjacent regions such as the Persian Gulf, will suffer if current political trends in ASEAN and, in particular, the Philippines lead to restrictions on the movement of US ships and aircraft equipped with nuclear arms. In a worst case scenario, the signing of a NWFZ treaty and the closing of Clark Air Base and Subic Bay Naval Base would give the Soviet Union important military advantages in Southeast Asia. The United States would then have to use bases in Japan, South Korea, the Indian Ocean, and the North Pacific to protect the shipping lanes in the region and to maintain an equivalent presence to Soviet facilities at Cam Ranh Bay. In Northeast Asia, however, US relations with Japan and South Korea are stable, and US military facilities in those countries have broad public support. Additionally, China has indicated it will not ask whether US and allied naval vessels visiting its ports have nuclear weapons. British and US naval vessels visited China in July and November 1986, respectively. The Chinese appear to have adopted the Japanese policy of officially banning nuclear-weaponed ships and aircraft, without asking for confirmation that no nuclear weapons are on US and allied naval vessels visiting ports in China. If India and Pakistan agree to establish a South Asian NWFZ, this agreement would reduce bilateral tension between the two adversaries but would probably not have a significant effect on US military capabilities. The United States can protect its interests in South Asia from Diego Garcia and other bases in the Indian Ocean. It is possible that a South Asian NWFZ could include parts of the Indian Ocean, but because Indian participation would be essential to the success of this treaty, and India opposes the idea, the likelihood of its realization is remote.

31. In a major foreign policy speech delivered on 28 July 1986 in Vladivostok, the home port of the Soviet Pacific Fleet, General Secretary of the Communist Party of the Soviet Union (CPSU) Mikhail Gorbachev clearly indicated that he would endeavor to increase Soviet influence in Asia and the Pacific. While Gorbachev made proposals to reduce Soviet military activity along the Sino-Soviet border and in Afghanistan, he failed to make similar offers for Southeast Asia. In the meantime, the Kremlin continues to exploit its entrenched strategic position in Vietnam and North Korea. Soviet reconnaissance flights conducted by Tu-95/BEAR aircraft originate from both countries and patrol the western Pacific, keeping watch on US, Chinese, and Japanese naval movements in the area. At Cam Ranh Bay, now the busiest Soviet naval installation outside the Soviet Union, some 20-30 vessels, presumably both conventional and nuclear-powered, of the Soviet Pacific Fleet are in port at one time for maintenance, repairs, and resupply.

### Prospects

32. In Northeast Asia, the size of the Liberal Democratic Party's victory in Japan's parliamentary elections in July 1986, and Yasuhiro Nakasone's subsequent election to an unprecedented third term as Prime Minister indicates that there is little chance that opposition parties will be able to make the presence of US bases or visits by nuclear-armed naval vessels and aircraft to Japan a major political issue in the foreseeable future. Although the political situation in South Korea is not as stable as in Japan, and Seoul's bilateral relations with Washington are likely to be a key issue in Korea's 1988 Presidential election, most South Koreans are believed to favor maintaining close defense ties with the United States. There is virtually no chance of North and South Korea coming to an agreement on nuclear issues until progress is made on less controversial matters, such as family visits and economic cooperation. China, a nuclear power itself, will continue its slow buildup of strategic forces and discreetly side with the United States as a counter to the Soviet nuclear threat. The strength of the US strategic position in Northeast Asia will increase in importance if the United States is required to close its bases in the Philippines.
33. In Southeast Asia, there is a possibility that the ASEAN states will establish a NWFZ. However, if the treaty is patterned after the South Pacific and Latin American NWFZ treaties, it is likely that it will place limits on the production, deployment, and use of nuclear weapons, but will not restrict the transport of nuclear-armed aircraft and naval vessels. In the Philippines, the proposed constitution will probably be approved by voters in January 1987. Corazon Aquino is becoming an astute politician and, if she decides to complete her 6-year term, she will probably try to assess public opinion before determining how to interpret the nuclear free zone article of the constitution and handle the issue of US military bases. Vietnamese, Soviet, and US political and military activities in the next 5 years will be watched closely in the Philippines and will be a factor in the decisions reached on these important issues. In the event that the United States is required to leave the Philippines, the Soviet Union probably will increase its military presence in the region in order to strengthen its strategic advantages.



34. The possibility of a NWFZ being established in South Asia is remote, not only because of the mutual mistrust which is evident between India and Pakistan, but also because India does not trust China, another regional nuclear power.

## **AFRICA AND THE MIDDLE EAST**

### **Summary of Proposals**

35. Although the member states of the Organization of African Unity (OAU) have never concluded a NWFZ treaty, they have all signed the 1964 Declaration on the Denuclearization of Africa. The declaration prohibits signatories from testing, manufacturing, or using nuclear weapons. The member states of the OAU have reaffirmed their support for the declaration annually since 1964.
36. There has never been a viable proposal for a NWFZ treaty in the Middle East. In 1974, Iran and Egypt co-sponsored a United Nations resolution calling on all nations in the region to agree to "refrain from producing, testing, obtaining, acquiring or in any other way possessing nuclear weapons." The resolution was approved by the General Assembly and similar resolutions have been passed in subsequent years, but these resolutions have not promoted any serious discussions among Middle East nations on the issue.

### **Discussion**

37. Israel and South Africa are the only two nations in these regions considered to be producing nuclear weapons. In the past month information revealing the extent of French support for the Israeli nuclear fuel production plant at Dimona in the Negev increases the likelihood that Israel has nuclear weapons. South Africa also has the technical capability to manufacture nuclear weapons and reportedly may have been responsible for a mysterious 1979 nuclear-like explosion in the South Atlantic. Since both nations have refused to sign the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), there is a possibility that one or both could perceive it to be in their national interest to possess nuclear weapons. Because of the continuing political and military conflicts Israel and South Africa have with neighboring states, it is unlikely that either would consider it in their national interest to sign a NWFZ treaty.

### Prospects

38. If Israel continues to refuse to sign the NPT, and, in the event of another war with the Arab states, decides to use nuclear weapons, the United States and the Soviet Union could be dragged into a confrontation because of US commitments to Israel and the extensive Soviet involvement with Syria and Libya. For the time being, until the political situations in the Middle East and Southern Africa become more stable, it is unlikely that NWFZ treaties will be negotiated in these two regions.

## APPENDICES

## APPENDIX

### TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

#### *Preamble*

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

*Desiring* to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

*Recalling* that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type",

*Recalling* that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

*Recalling* United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements",

*Recalling* United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

*Recalling* that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

#### *Convinced:*

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly ob-

served in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable,

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand,

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions,

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist,

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind,

That the existence of nuclear weapons in any country of Latin America would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America,

give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

*Convinced finally:*

That the military denuclearization of Latin America being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its tradition of universality, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfilment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

*Have agreed as follows:*

*Obligations*

ARTICLE 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

- (a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

- (b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

*Definition of the Contracting Parties*

ARTICLE 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

*Definition of territory*

ARTICLE 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

*Zone of application*

ARTICLE 4

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.
2. Upon fulfilment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude,

150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

#### *Definition of nuclear weapons*

#### ARTICLE 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

#### *Meeting of signatories*

#### ARTICLE 6

At the request of any of the signatory States or if the Agency established by article 7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

#### *Organization*

#### ARTICLE 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America", hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.
2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.
3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

#### *Organs*

#### ARTICLE 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.
2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

#### *The General Conference*

#### ARTICLE 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.
2. The General Conference:
  - (a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.
  - (b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions.
  - (c) Shall elect the Members of the Council and the General Secretary.
  - (d) May remove the General Secretary from office if the proper functioning of the Agency so requires.
  - (e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.
  - (f) Shall initiate and consider studies designed to facilitate the optimum fulfilment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference.
  - (g) Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure.

#### *The Council*

### ARTICLE 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

#### *The Secretariat*

### ARTICLE 11

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference,—the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as International officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

#### *Control system*

#### ARTICLE 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13-18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

- (a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons,
- (b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and
- (c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

#### *IAEA safeguards*

#### ARTICLE 13

Each Contracting Party shall negotiate multi-lateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the

date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure*.

#### *Reports of the Parties*

#### ARTICLE 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

#### *Special reports requested by the General Secretary*

#### ARTICLE 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

#### *Special inspections*

#### ARTICLE 16

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

- (a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;



(b) In the case of the Council:

- (i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5.
- (ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, subparagraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, subparagraph (b), sections (i) and (ii) of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the

General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, subparagraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

#### *Use of nuclear energy for peaceful purposes*

### ARTICLE 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

#### *Explosions for peaceful purposes*

### ARTICLE 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

- (a) The nature of the nuclear device and the source from which it was obtained,

- (b) The place and purpose of the planned explosion,
  - (c) The procedures which will be followed in order to comply with paragraph 3 of this article,
  - (d) The expected force of the device, and
  - (e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.
3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this article and the other provisions of this Treaty.
4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

*Relations with other  
international organizations*

ARTICLE 19

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.
2. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.
3. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

*Measures in the event of  
violation of the Treaty*

ARTICLE 20

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.
2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

*United Nations and Organization  
of American States*

ARTICLE 21

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

*Privileges and immunities*

ARTICLE 22

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.
2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.
3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

*Notification of other agreements*

ARTICLE 23

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

*Settlement of disputes*

ARTICLE 24

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

*Signature*

ARTICLE 25

1. This Treaty shall be open indefinitely for signature by:

- (a) All the Latin American Republics, and
- (b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signature, of a dispute or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

*Ratification and deposit*

ARTICLE 26

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

*Reservations*

ARTICLE 27

This Treaty shall not be subject to reservations.

*Entry into force*

ARTICLE 28

1. Subject to the provisions of paragraph 2 of this article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

- (a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;
- (b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;
- (c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;
- (d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, subparagraph (c) of this article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

#### *Amendments*

#### ARTICLE 29

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

#### *Duration and denunciation*

#### ARTICLE 30

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three

months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

#### *Authentic texts and registration*

#### ARTICLE 31

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

#### *Transitional Article*

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

#### ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a

means of achieving general and complete disarmament at a later stage, and

*Desiring* to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

*Have agreed as follows:*

*Article 1.* To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

*Article 2.* The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

*Article 3.* This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

#### ADDITIONAL PROTOCOL II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

*Convinced* that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

*Aware* that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

*Desiring* to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

*Have agreed as follows:*

*Article 1.* The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

*Article 2.* The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

*Article 3.* The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

*Article 4.* The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

*Article 5.* This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

PREAMBLE

The Parties to this Treaty,

United in their commitment to a world at peace;

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people;

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth;

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all;

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace;

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security;

Noting, in particular, that Article VII of the NPT recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Noting that the prohibitions of emplantation and emplacement of nuclear weapons on the seabed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific;

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water applies in the South Pacific;

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter;

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communiqué of that meeting;

Have agreed as follows:

## ARTICLE 1

### USAGE OF TERMS

For the purposes of this Treaty and its Protocols:

(a) "South Pacific Nuclear Free Zone" means the areas described in Annex 1 as illustrated by the map attached to that Annex;

(b) "territory" means internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them;

(c) "nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "stationing" means emplantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

## ARTICLE 2

### APPLICATION OF THE TREATY

1. Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas.

## ARTICLE 3

### RENUNCIATION OF NUCLEAR EXPLOSIVE DEVICES

Each Party undertakes:

(a) not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;

(b) not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;

(c) not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

## ARTICLE 4

### PEACEFUL NUCLEAR ACTIVITIES

Each Party undertakes:

(a) not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:

(i) any non-nuclear-weapon State unless subject to the safeguards required by Article III.1 of the NPT, or

(ii) any nuclear-weapon State unless subject to applicable safeguards agreements with the International Atomic Energy Agency (IAEA).

Any such provisions shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;

(b) to support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system.

## ARTICLE 5

### PREVENTION OF STATIONING OF NUCLEAR EXPLOSIVE DEVICES

1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.

2. Each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

## ARTICLE 6

### PREVENTION OF TESTING OF NUCLEAR EXPLOSIVE DEVICES

Each Party undertakes:

(a) to prevent in its territory the testing of any nuclear explosive device;

(b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

## ARTICLE 7

### PREVENTION OF DUMPING

1. Each Party undertakes:

(a) not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;



(b) to prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;

(c) not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;

(d) to support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.

2. Paragraphs 1(a) and 1(b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

## ARTICLE 8

### CONTROL SYSTEM

1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.

2. The control system shall comprise:

(a) reports and exchange of information as provided for in Article 9;

(b) consultations as provided for in Article 10 and Annex 4 (1);

(c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;

(d) a complaints procedure as provided for in Annex 4.

## ARTICLE 9

### REPORTS AND EXCHANGES OF INFORMATION

1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.

2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.

3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8(2)(d) and 10 and Annex 2(4).

## ARTICLE 10

### CONSULTATIONS AND REVIEW

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

## ARTICLE 11

### AMENDMENT

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depositary of acceptances from all Parties.

## ARTICLE 12

### SIGNATURE AND RATIFICATION

1. This Treaty shall be open for signature by any Member of the South Pacific Forum.
2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depositary of this Treaty and its Protocols.
3. If a Member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a Party to this Treaty, Annex 1 shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

### ARTICLE 13

#### WITHDRAWAL

1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.

2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

### ARTICLE 14

#### RESERVATIONS

This Treaty shall not be subject to reservations.

### ARTICLE 15

#### ENTRY INTO FORCE

1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.

2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

### ARTICLE 16

#### DEPOSITARY FUNCTIONS

The depositary shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Treaty.

DONE at Rarotonga, this sixth day of August, One thousand nine hundred and eighty-five, in a single original in the English language.

## ANNEX 1

### SOUTH PACIFIC NUCLEAR FREE ZONE

#### A. The area bounded by a line:

- (1) commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
- (2) running thence northerly along that maritime boundary to its intersection by the outer limit of the exclusive economic zone of Papua New Guinea;
- (3) thence generally north-easterly, easterly and south-easterly along that outer limit to its intersection by the Equator;
- (4) thence east along the Equator to its intersection by the meridian of Longitude 163 degrees East;
- (5) thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;
- (6) thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;
- (7) thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;
- (8) thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;
- (9) thence south along that meridian to its intersection by the Equator;
- (10) thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;
- (11) thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;
- (12) thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;
- (13) thence south along that meridian to its intersection by the Equator;
- (14) thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;
- (15) thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;
- (16) thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;

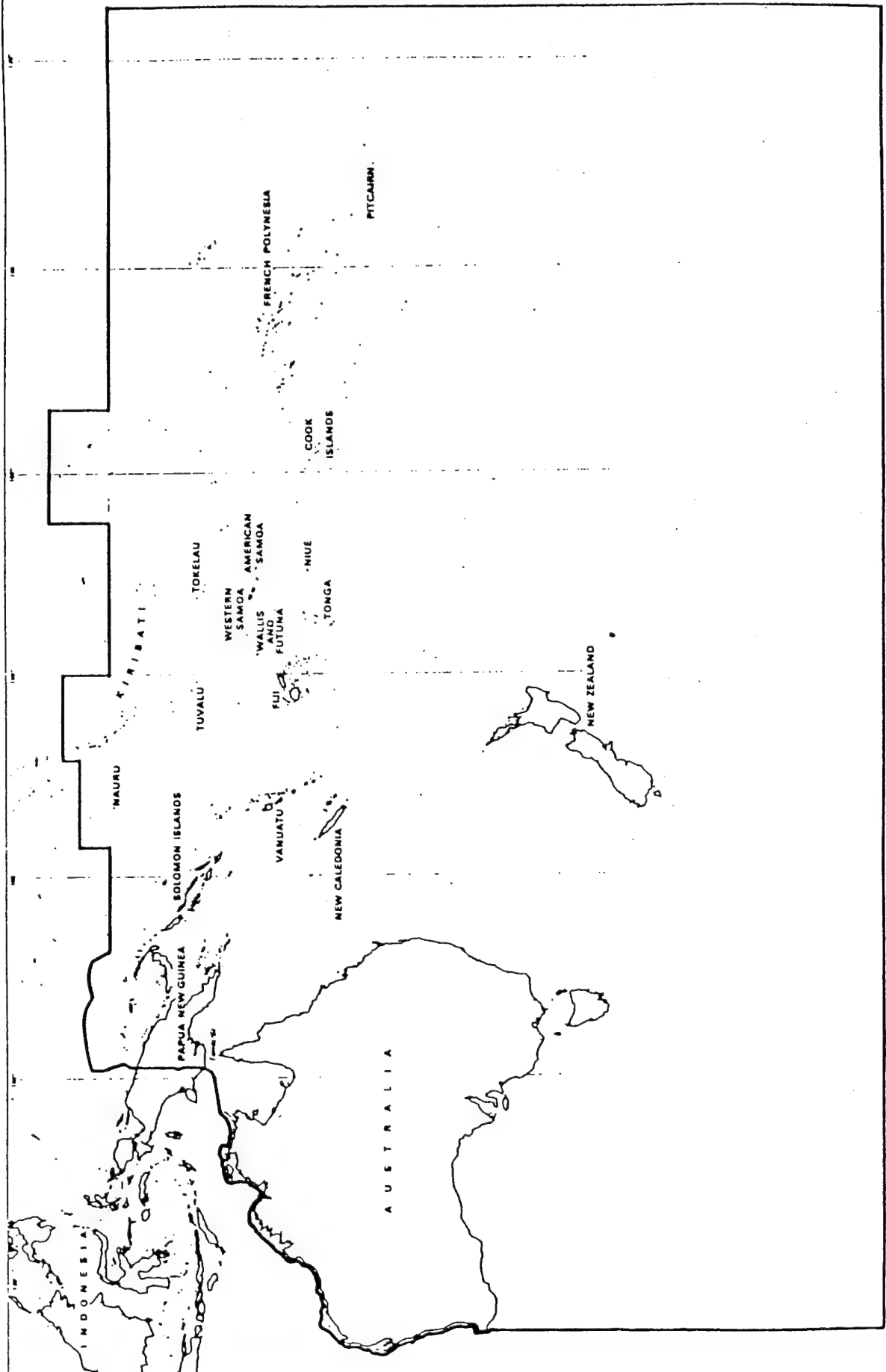
- (17) thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
- (18) thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;
- (19) thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;
- (20) thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;
- (21) thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and
- (22) thence generally northerly along that boundary to the point of commencement.

B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depositary of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

ATTACHMENT TO ANNEX 1 TO THE SOUTH PACIFIC NUCLEAR FREE ZONE TREATY:—

ILLUSTRATIVE MAP

(Australian islands in the Indian Ocean, which are also part of the South Pacific Nuclear Free Zone, are not shown)



## ANNEX 2

### IAEA SAFEGUARDS

1. The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for it not later than 18 months after the date of entry into force for that Party of this Treaty.
3. For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.
4. Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

### ANNEX 3

#### CONSULTATIVE COMMITTEE

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to Articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.

2. The costs of the Consultative Committee, including the costs of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.



## ANNEX 4

### COMPLAINTS PROCEDURE

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject matter of the complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.
2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.
3. The Consultative Committee, taking account of efforts made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.
5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2 (1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.
6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.
7. The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and

immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.

8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.

9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.